

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

DAVID FOSTER,

Petitioner,

-vs-

ROBIN KNAB, Warden, Chillicothe
Correctional Institution,

Respondent.

:

Case No. 1:11-cv-256

:

District Judge S. Arthur Spiegel
Magistrate Judge Michael R. Merz

DEFICIENCY ORDER

This habeas corpus case is before the Court upon the filing of Petitioner's Notice of Appeal (Doc. No. 30).

The Court notes that Petitioner has not paid the appellate filing fee, has never sought leave to proceed *in forma pauperis*, and Judge Spiegel has certified that an appeal would not be taken in objective good faith and should therefore not be permitted to proceed *in forma pauperis*. Accordingly, it is hereby ORDERED that Petitioner pay the appellate filing fee of \$455.00 forthwith.

November 26, 2012.

s/ *Michael R. Merz*
United States Magistrate Judge